

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

EMC

UNITED STATES OF AMERICA,

V.

CR19 0102

JOHN C. FRY,

FILED

FEB 28 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DEFENDANT(S).

INDICTMENT

Title 31, United States Code, Section 5322(a) – Unauthorized Disclosure of
Suspicious Activity Reports;
Title 18, United States Code, Section 1030(a)(2) – Misuse of Computer;
Title 42, United States Code, Section 408(a)(8) – Use of a Social Security Number

A true bill.

Linda Joy

Foreman

Filed in open court this 18th day of

Feb, 2019

[Signature]

Clerk

[Signature]

Bail, \$

summons requested

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

Title 31, United States Code, Section 5322(a) – Unauthorized Disclosure of Suspicious Activity Reports; Title 18, United States Code, Section 1030(a)(2) – Misuse of Computer; Title 42, United States Code, Section 408(a)(8) – Use of a Social Security Number

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Penalty Sheet Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ JOHN C. FRY

DISTRICT COURT NUMBER

CR19 0102**EMC****DEFENDANT****FILED****IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Treasury Inspector General for Tax Administration

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-19-70176 LB

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kimberly Hopkins

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

**PENALTY SHEET ATTACHMENT:
JOHN C. FRY**

31 U.S.C. § 5322(a) [Unauthorized Disclosure of Suspicious Activity Reports]

Count 1:

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

FILED

18 U.S.C. § 1030(a)(2) and (c)(2)(B)(ii) [Misuse of Computer]

Counts 2 and 3:

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

FEB 28 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

42 U.S.C. § 408(a)(8) [Use of Social Security Number]

Count 4:

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

DAVID L. ANDERSON (CABN 149604)
United States Attorney

FILED

FEB 28 2019

SUSAN Y. SCONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EMC

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN C. FRY,

Defendant.

CR19-0102

VIOLATIONS: Title 31, United States Code, Section 5322(a) – Unauthorized Disclosure of Suspicious Activity Reports; Title 18, United States Code, Section 1030(a)(2) – Misuse of Computer; Title 42, United States Code, Section 408(a)(8) – Use of a Social Security Number

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (31 U.S.C. § 5322(a) – Unauthorized Disclosure of Suspicious Activity Reports)

1. On or about and between May 4, 2018, and May 14, 2018, in the Northern District of California and elsewhere, the defendant,

JOHN C. FRY,

an employee of a federal government authority, willfully violated subchapter II of Title 31 and a regulation and order prescribed thereunder, namely Section 1020.320(e)(2) of Title 31 of the Code of Federal Regulations, by disclosing Suspicious Activity Reports (“SARs”) and information that would reveal the existence of a SAR, which disclosure was not necessary to fulfill FRY’S official duties.

1 COUNT FOUR: (42 U.S.C. § 408(a)(8) – Use of a Social Security Number)

2 5. On or about May 7, 2018, in the Northern District of California, the defendant,
3 JOHN C. FRY,
4 did use the social security number of a person in violation of a law of the United States, specifically 18
5 U.S.C. § 1030(a)(2).

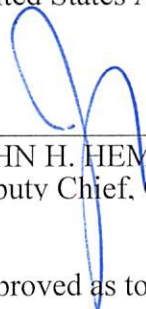
6 In violation of Title 42, United States Code, Section 408(a)(8).

7
8 DATED: Feb. 28, 2019

A TRUE BILL.

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10 
11 FOREPERSON
San Francisco

12
13 DAVID L. ANDERSON
United States Attorney

14 
15
16 JOHN H. HEMANN
Deputy Chief, Criminal Division

17
18 Approved as to form:

19 
Kimberly Hopkins
Assistant United States Attorney